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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,604	05/31/2000	Andrew J. Dannenberg	CRF D-2165	9421

7590  
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05/29/2002

EXAMINER

WANG, SHENGJUN

ART UNIT PAPER NUMBER

1617

DATE MAILED: 05/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Applicati n N .

09/554,604

Applicant(s)

DANNENBERG, ANDREW J.

Examiner

Shengjun Wang

Art Unit

1617

--The MAILING DATE of this communication appears n the c v r sheet with the correspondence address --

THE REPLY FILED 10 May 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☒ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 3-5 and 17.Claim(s) withdrawn from consideration: 7, 9-11.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

RUSSELL TRAVERS  
PRIMARY EXAMINER  
GROUP 1200

Continuation of 5. does NOT place the application in condition for allowance because: of the reasons set forth in the prior office action. Applicant declaration, exhibits and arguments are not persuasive. Note the rejection is based on Gregory in further view of Tally (paper No. 10). The rejection does not rely on Seibert reference. The claimed invention is obvious because the compounds are generally known for treating inflammatory disease and is particularly known for treating liver disease. It is well known that chronic hepatitis is inflammation of the liver, and the continued inflammation slowly damages the liver, eventually producing cirrhosis and liver failure. Seibert references were cited to show that one of ordinary skill in the art would not expect COX-2 inhibitor to be toxic as conventional COX inhibitor. In view of the fact that COX-2 inhibitors have already been used for treating liver disease, arguments that one of ordinary skill in the art would not use COX-2 inhibitors for treating liver disease because of known toxicity of conventional COX inhibitor is not probative. It should be known in the art that any pharmaceutical agent has a therapeutic window, wherein, within the window the agent presents more benefit than side effects, above the window, the side effect, including toxicity, outweighs the benefit, and below the window, the benefit would not render sufficient therapeutic effect. Possessing Gregory's teaching one of ordinary skill in the art would have understood the benefit of COX-2 inhibitor would outweigh the side effect of COX-2 inhibitor.